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U.S. PATENT AND TRADEMARK OFFICE
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**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY DOCKET NUMBER DEC 08 2005
21346P **10/544213**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
PCT/US2004/008828

INTERNATIONAL FILING DATE
March 22, 2004

PRIORITY DATE CLAIMED
March 27, 2003

TITLE OF INVENTION
FORMULATIONS FOR TYROSINE KINASE INHIBITORS

APPLICANT(S) FOR DO/EO/US

Shyam B. Karki, Sameer R. Deshpande, Karen C. Thompson, Anne H. Payne and Thomas P. Gandek

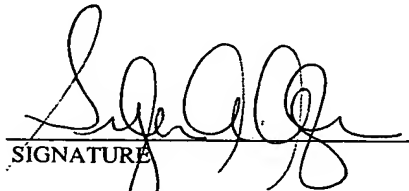
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (PCT Article 31).
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
 - a. ☐ is attached hereto
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 to 20 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(a)(4).
19. ☐ A second copy of the English language translation of the international application.
20. ☐ Other items or information:

EXPRESS MAIL CERTIFICATE
8-2-05
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EXRESS MAIL NO. 8-2-05
I HEREBY CERTIFY THAT THIS DOCUMENT IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
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ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VIRGINIA 22313-1450.
MAILED BY *Linda Zehner*
DATE *August 2, 2005*

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2004/008828		ATTORNEY'S DOCKET NUMBER 21346P	
The following fees are submitted:				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee.....				\$300	\$300.00
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$0	
All other situations.....				\$200	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$0	
Search fee [37 CFR 1.445(a)(2)] has been paid on the international application to the USPTO as an International Searching Authority.....				\$100	\$100.00
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB				\$400	
All other situations.....				\$500	
TOTAL OF 21, 22 and 23=				\$400.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
19 - 100 =	0 /50	0 = 0		X \$250.00	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)].					
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims		26 - 20 =	6	X \$50.00	\$300.00
Independent Claims		4 - 3 =	1	X \$200.00	\$200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00	
TOTAL OF ABOVE CALCULATIONS (SUBTOTAL)				=	\$900.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date [37 CFR 1.492(f)].				+	
TOTAL NATIONAL FEE				=	\$900.00
Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet [37 CFR 3.28, 3.31]. \$40.00 per property.				+	
TOTAL FEES ENCLOSED				=	\$900.00
				Amount to be refunded:	
				Amount to be charged:	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$900.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Customer No. 000210					
MERCK & CO., INC. Patent Department, RY60-30 P.O. Box 2000 126 East Lincoln Avenue Rahway, New Jersey 07065-0970					
DATE: <u>August 2, 2004</u>				 SIGNATURE Sylvia A. Ayler NAME	
PHONE #: <u>(732) 594-4909</u>					
				36.436 REGISTRATION NUMBER	



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Karki et al.

Serial No.: 10/544,213

Case No.: 21346P

Filed: 8/2/2005

For: FORMULATIONS FOR TYROSINE KINASE INHIBITORS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

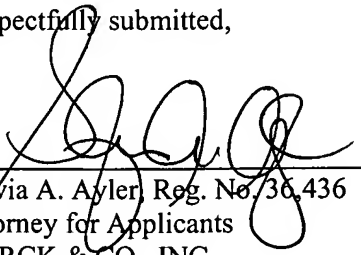
Letter

Sir:

A Notification of Abandonment was incorrectly mailed to us on November 18, 2005 stating that the "Applicant has failed to provide the full US Basic National Fee by 30 months (37 CFR 1.495(b)(2))." Attached is a copy of the Transmittal Letter which indicated that the Commissioner is authorized to charge our Deposit Account any additional fees which may be required". I have enclosed a copy of the Transmittal Letter for reference, postcard and express mail receipt for reference.

There is no fee believed due.


Respectfully submitted,

By 
Sylvia A. Ayler, Reg. No. 36,436
Attorney for Applicants
MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-4909

Enclosures

Date: December 5, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

By  MERCK & CO., INC. Date 12/



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<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
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S.A. AYLER
MERCK & CO., INC.
PATENT DEPARTMENT RY60-30
PO BOX 2000
RAHWAY NJ 07065-0900

Case 21346P

TO: (PLEASE PRINT)

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FOR PICKUP OR TRACKING: Visit www.usps.com or Call 1-800-222-1811THE PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS
STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED
SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION: 21346P

CASE NUMBER 21346P	DATE 8/2/2005	ATTORNEY AYLER	EXPRESS MAIL <input type="checkbox"/> EV 660612704US
TITLE FORMULATIONS FOR TYROSINE KINASE INHIBITORS			
INVENTORS Shyam B. Karki, Sameer R. Deshpande, Karen C. Thompson, Anne H. Payne and Thomas P. Gandek JC10 Rec'd PCT/PTO 02 AUG 2005			
NO. OF PAGES 19	NO. OF CLAIMS 26	PAGES OF DRAWING 10/544213	
DECLARATIONS 1 (Preliminary Amendment and IDS)		ACCOUNT CHARGE 13-2755 \$ \$200	